BROOKINGS COUNTY COMMISSION MEETING

Tuesday, May 19, 2015

The Brookings County Board of County Commissioners met in regular session on Tuesday, May 19, 2015 with the following members present: Tom Yseth, Ryan Krogman, Larry Jensen, Stephne Miller, and Lee Ann Pierce.

CALL TO ORDER

Chairperson Yseth called the meeting to order.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

The agenda for the May 19, 2015 Commission Meeting was approved without objection.

CONSENT AGENDA

The consent agenda was approved as amended without objection from the board. The consent agenda consisted of the minutes from the May 5, 2015 Commission Meeting.

Travel & Education Requests: Manny Langstraat to attend the SD Law Enforcement Memorial Service on May 13th in Pierre; Misty Moser to attend a seminar- crash course for new management on April 28th in Sioux Falls; Misty Moser to attend a Basic Supervision Class on May 8th in Sioux Falls; Sonia Mack to attend the National Meeting for National Association of Extension 4-H Agents on October 24th-30th in Portland, OR; Robert Hill to attend the Sanford Health Emergency Management Conference 2015 on May 28th-29th in Sioux Falls; Laura Littlecott to attend the Avera EAP Meeting on May 13th in Sioux Falls.

Personnel Action Notices: new hire- Angela Frosa to part-time Correctional Officer at \$16.73, effective April 30, 2015; new hire- Michael Andresen to full-time Truck Driver at \$14.48, effective March 23, 2015; voluntary resignation- Jessica Duerre, effective April 29, 2015.

Report of Personnel Action: to the South Dakota Office of Emergency Management for Deputy County Development Director Richard Haugen.

Human Services Report: case #14-135A for Avera McKennan was denied; case #15-025 for Avera McKennan was approved; case #15-044 for rent was approved; case #15-045 for Northwestern Energy was approved; case #15-047 for Brookings Utilities was approved; case #15-050 for Brookings Utilities was approved; case #15-051 for Northwestern Energy was approved; case #15-052 for Brookings Utilities was approved; case #14-184A for Brookings Health System was approved.

ROUTINE BUSINESS

Motion by Krogman, seconded by Miller to approve the following claims. Motion carried.

A&B Business Inc, Maintenance Contract, \$45.82; A&B Business Inc, Copier Contract Fees, \$292.60; A&B Business Inc, Copier Maintenance, \$53.72; A&B Business Inc, Copier Maintenance, \$43.98; A&B Business Inc, Contract Charge, \$49.86; A&B Business Inc, Copier Maintenance, \$79.61; Adair Asset Management LLC, Tax Certificate, \$1,715.30; Adair Asset Management LLC, Tax Certificate, \$5,480.91; AgFirst Farmers Coop, Propane, LP Heating, \$2,294.40; AgFirst Farmers Coop, Bait, Strychnine, Barrage HF, \$136.00; Allegra Print & Imaging, Envelopes, \$260.40; Aragon, Martha A, Translation Services, \$200.00; Austreim Landscaping Inc, Shrubs in Parking Lot, \$587.00; Avera Mckennan Hospital, Mental Health Hold, \$625.52; Avera Medical Group, Prisoner Medical, \$519.82; Avera Queen Of Peace, Drug Tests, \$56.90; Bowes Construction, Pick Up Asphalt, Overlay 25B, \$239,442.92; Brookings Area Chamber, 2015 Leadercast-Steffensen, \$50.00; Brookings City Utilities, Utilities, \$974.84; Brookings City Utilities, Phone Service, \$1,222.03; Brookings City Utilities, \$1,307.18; Brookings City Utilities, Phone Service, \$281.65; Brookings City Utilities, Phone Service, Alarms, \$443.08; Brookings City Utilities, Utilities, \$1,850.37; Brookings City Utilities, COP Utilities, \$315.12; Brookings City Utilities, COP Utilities, \$132.32; Brookings City Utilities, Water, \$90.81; Brookings City Utilities, Phone/Internet, \$52.34; Brookings County Finance, Advance Tax, \$1,226.99; Brookings Neuropsychology, Pre-Employment Psych Eval, \$550.00; Brookings Register, Notice To Bidders, \$26.17; Brookings Register, 12 Month Subscription, \$149.21; Brookings Register, Severe Weather/Safe Prom Ads, \$230.00; Brookings Register, Severe Weather Ad, \$200.00; Brookings Register, Legals, \$33.57; Brookings Register, Legals, Tax Notices, \$1,595.97; Brothers Pharmacy, Generic Meds, \$5.49; Butler Machinery Co, Equipment Repairs, \$2,172.15; C&W Repair, Repair Weed Eaters, \$310.50; Carquest Auto, Spark Plugs, Thermostat, \$36.55; CDW Government Inc, IT Supplies, \$325.19; Central Business Supply, Rubber Cement, \$12.89; Central Business Supply, Office Supplies, \$124.74; Central Business Supply, Paper, Ink, Office Supplies, \$996.51; Century Business Products, Copier Maintenance, \$216.32; Century Business Products, Copier Overage, \$129.75; Century Business Products, Copier Maintenance, \$18.95; Century Business Products, Copier Supplies/Maintenance, \$92.13; City of Brookings Landfill, Pallet Disposal, \$36.33; City of Brookings, Joint Building Expenses, \$8,933.39; City of Brookings, SDPAA & Howalt McDowell Coverage, \$1,319.31; Civil Design Inc, Engineering Fee, \$13,305.00; Cody, Denise, Inv MI Hearing, \$37.50; Cook's Wastepaper & Recycling, Commercial Service, \$175.78; Cook's Wastepaper & Recycling, Commercial Service, \$131.58; Cook's Wastepaper & Recycling, May Service, \$225.46; Cook's Wastepaper & Recycling, Apr/May Service, \$232.28; Courtesy Plumbing Inc, Cell Block #1&4 Repairs, \$268.01; Dakota Data Shred, Shred Call-Ins, \$80.42; Dakota Security Systems Inc, Safe Maintenance, \$245.94; Dale's Alignment, Vehicle Alignment, \$50.00; Dean Schaefer Court Reporting, Inv MI Hearing, \$75.00; Den-Wil Inc, Community Health Monthly Rent, \$835.00; Deubrook Community Library, 2015 Funding, \$2,750.00; Digital-Ally Inc, Videocam Mirror, \$85.00; Dupraz, Andy, Extension Board Mileage, \$3.70; Eberts Properties LLC, Replace Check 108900 COP Rent, \$350.00; Ecolab Pest Elimination, Quarterly Pest Elimination, \$78.50; Einspahr Auto Plaza, Oil Change, Guard Kits, \$132.54; Einspahr Auto Plaza, Front Strut Mounts, \$67.62; Executive Mgmt Finance Office, December 2014 Tech Access Fee, \$26.00; First Bank & Trust, Transport Fuel, Supplies, \$1,867.03; Fite, Pierce & Ronning Law Office, CAA, \$549.00; Fite, Pierce & Ronning Law Office, CAA, \$558.00; Fleet Safety Equipment Inc, Dominator 8 Lights, \$487.00; Foerster Office & Supply, Toilet Tissue, \$136.00; Foerster Office & Supply, Janitor Supplies, \$171.00; Foerster Office & Supply, 2 Cases Kleenex, \$116.00; Ford, Deb, Extension Board Mileage, \$14.80; Forrest Holdings Inc, Tax Certificate, \$1,316.57; G&K Services, Supplies, \$282.30; Gass Law, PC, CAA, \$425.94; Gass Law, PC, CAA, \$973.74; Gass Law, PC, CAA, \$789.51; Gass Law, PC, CAA, \$356.31; Gass Law, PC, CAA, \$409.41; Gass Law, PC, CAA, \$968.20; Graham Tire North, Tires For Weed Dept, \$2,337.36; Graybar Electric Co Inc, Light Bulb, \$34.30; Harmelink, Fox & Ravnsborg, CAA Inv MI, \$143.00; Harmelink, Fox & Ravnsborg, CAA Inv

MI, \$143.00; Patricia J Hartsel, Transcripts, \$922.40; Konard O Hauffe DDS PC, PMD, \$101.00; Hillyard/Sioux Falls, Cleaning Supplies, \$11.56; Hometown Service & Tire, Tires, \$440.88; I-State Truck Center, Truck Repair, Radiator Leak, \$1,367.19; Interstate Power Systems, Transmission Parts, \$4,087.90; Jamar Technologies Inc, Radar Batteries, \$70.00; Keltek, Radio Installation, \$493.67; Benjamin L. Kleinjan, CAA, \$603.00; Benjamin L. Kleinjan, CAA, \$972.00; L&L Auto & Truck Parts, Truck Supplies, \$233.63; L&L Auto & Truck Parts, Shop Supplies/Vehicle Parts, \$282.74; Lake County Sheriff, Service of Notice, \$25.00; Lewis & Clark Behavioral, BMI Hearings, \$320.00; Lewno, Lucy, MI Hearing, \$217.99; L.G. Everist Inc, Pea Rock, \$6,478.98; Lowe's, Shop Supplies, \$150.01; Lowe's, Cleaning Supplies, \$71.73; Lyle Signs Inc, Object Markers, Bolts, \$699.50; Lyle Signs Inc, Warning Flashers, \$196.57; M&T Fire & Safety Inc, First Aid Kit Refills, \$26.00; Mailfinance, Lease on Postage Machine, \$1,310.37; Martin's Inc, Oil, Diesel, Gas, \$18,498.23; Mckeever's Vending, Inmate Commissary, \$642.08; Mediacom LLC, Law Library Internet, \$83.40; Mid-American Research, Surface Cleaner, \$116.32; Midstates Flooring, Basement Carpeting & Runner, \$1,431.37; Midwest Alarm Company, Fire Alarm Monitoring, \$282.96; Midwest Glass, Windshield Repair, \$282.96; Gary E Mikelson, CAA Inv MI, \$210.46; Minnehaha County JDC, JDC Costs, \$2,640.00; Mobile Electronic Service, Lightbar Strap, \$71.25; Moody County Auditor, Registrations for 8 County Mtg, \$70.00; NASRO, Year Membership - Pike, \$40.00; National Pen Company, Pens, \$299.40; Nancy J Nelson, CAA, \$1,687.50; Nancy J Nelson, CAA, \$481.50; Nielsen's, Air Compressor Relay, \$9.61; Northwestern Energy, Truck Shed Heat, \$167.14; Northwestern Energy, Natural Gas, Courthouse, \$612.13; Northwestern Energy, Courthouse Natural Gas, \$10.00; Northwestern Energy, Heat- Hwy Shop/Truck Shop, \$168.65; Northwestern Energy, COP Utilities, \$376.85; Office Peeps Inc, Office Supplies, \$66.29; Office Peeps Inc, Office Supplies/Postcards, \$234.50; Office Peeps Inc, Stapler, Pens, Binder, \$98.51; Office Peeps Inc, Office Supplies, \$28.21; Open Text Inc, Alchemy Renewal, \$5,679.00; Optimist Club of Brookings, Avenue of Flags, \$35.00; Outlaw Graphics, Vehicle Logos, \$55.00; Parmely, Ronny, Extension Board Mileage, \$7.40; Pharmchem Inc, Drug Sweat Patch Analysis, \$150.00; Pickard, Jennifer, Extension Board Mileage, \$8.14; Productivity Plus Account, Filters, \$194.44; Razor's Edge Lawncare, Spring Cleanup, Sprinklers, \$2,963.00; Rude's Funeral Home Inc, Transports, \$730.00; Rude's Funeral Home Inc, County Burial, \$3,000.00; Running's Supply Inc, Cleaning Supplies, \$21.88; Running's Supply Inc, Parts/Supplies, \$254.58; Running's Supply Inc, Supplies for Truck Shed, \$420.86; Schuneman Equipment Co, Truck/Shop Supplies, \$47.58; SD Attorney General's Office, 24/7 Participation April 16-30, \$69.00; SD Attorney General's Office, Scram April 16-30, \$1,148.00; SD Dept of Revenue, Sheriff Trust, \$645.00; SD Dept of Revenue, Sheriff Trust, \$703.06; SD Dept of Revenue, May 2015 Payment, \$312,564.42; SDACO, ROD Relief Fund, \$419.00; Sheehan Mack Sales, Replaced Abs Sensor, \$315.32; Sinai City, Utilities, \$64.00; Sioux Falls Two Way Radio, Antannae Replacement, \$40.97; Sioux Falls Two Way Radio, Quarterly Maintenance Contract, \$360.00; Sioux Valley Cleaners Inc, WIC Janitorial-April 2015, \$460.00; Sioux Valley Energy, Sandpile, Sinai, Bruce Electric, \$207.00; Sioux Valley SW Electric, Aid to Construction, 34th Ave, \$102.05; Smith Supplies, Parts/Supplies, \$363.24; Snap-On Tools, Shop Hand Soap, \$21.95; Speedy Cleaners, Rugs, \$59.80; Speedy Cleaners, Rug Rental, \$35.80; Sturdevant's Auto Parts, Striker Flint, Shine Master, \$27.19; Sturdevant's Auto Parts, Spare Car Parts, \$5.20; Sturdevant's Auto Parts, Bolt, Teflon, Cleaning Supplies, \$59.47; Swanda, Karen, Inv MI Hearing, \$37.50; Swiftel Center, May 2015 Facility Maintenance, \$1,576.00; Thomson Reuters - West, Law Library Information Charge, \$1,299.20; Town & Country Shopper, Fire Danger Ad, \$42.00; Town & Country Shopper, Property Tax Notice, \$84.00; UPS Store, Bldg Inspection Forms, \$320.00; UPS Store, Shipping, \$25.39; Steven Ust, Building Inspections, \$1,900.00; Vandenberg Law, CAA, \$202.50; Vandenberg Law, CAA, \$495.00; Vandenberg Law, CAA, \$450.00; Verizon Wireless, Wireless Access For Mobile Data, \$280.07; Vern Olson Rentals, COP Rent, \$400.00; Walburg, Duane, Animal Control Mileage, \$60.00; Walmart Community, IT Supplies, Cleaner, \$141.88; Terry D Wieczorek PC, CAA, \$171.89; Terry D Wieczorek PC, CAA, \$318.67; Terry D Wieczorek PC, CAA, \$491.27; Terry D Wieczorek PC, CAA, \$335.07; Yankton County Sheriff, Service of Process, \$25.00; Yankton County Sheriff, Service of Process, \$25.00.

Department Head Reports

Director of Equalization Joyce Dragseth introduced SD Department of Revenue Field Person/Property Tax Division Corina Erickson to the board. Dragseth said she has been showing Erickson how to do an abstract and abatements. Dragseth said she is giving Erickson a crash course on the roles and responsibilities of an Equalization Director.

Dragseth said the abstract has been delivered to Pierre by Finance Officer Vicki Buseth. Dragseth said roughly sixty appraisers attended a workshop in Brookings last week. She said the topic of the workshop was over the quality of homes. Dragseth also said the new Director for Hughes County spent the afternoon in her office.

4-H Youth Advisor Sonia Mack said the 4-H summer calendar is out. Mack said six 4-H members will be representing Brookings County at the National Shoot in Grand Island, Nebraska. Mack also said the sheep, goat and swine weigh-in was held on May 18th. She said all of the animals have been weighed and tagged.

Krogman asked Mack where the weigh-in was held. Mack said it was held in the holding barn. Sonia said roughly 150 4-H members participate in the shooting sports and about 100 individuals went to Pierre. Pierce asked Mack if she knew the gender breakdown for male and female participants. Pierce said she wanted to know if they were providing equal opportunities for both genders. Mack said she did not know the exact breakdown, but both genders are participating in the category.

Pierce said she was at the Swiftel Center last week for a meeting and spoke with Operations Manager Dave Biteler on the sheet rock issues. Pierce said they will be starting those repairs later in the week.

County Development Director Robert Hill presented his staff report. Hill told commissioners the City of White lost its siren. Hill informed the board there were no state grants, so the issue may come before the board. Hill informed commissioners of upcoming trainings and events that he will be attending over the next few weeks.

Pierce asked Hill if Brookings County was involved in helping Delmont, South Dakota. Hill said no because the town falls out of our district. Yseth asked Hill what the dollar amount would be for a new siren. Hill said new sirens can cost up to \$12,000. Hill said Brookings County typically helps pay for 1/3 of the cost. Krogman asked who normally pays for the other 2/3. Hill said the rest would come from either the community or grants. Yseth said it is an important purchase and thinks the board should proceed with the issue. Krogman suggested Brookings County propose paying 1/3 of the cost up to \$12,000. Jensen asked Hill if he would speak with White Fire Chief Chris Willmott and find out what the dollar amount would be.

Hill noted there will be a full scale Emergency Operations Exercise August 13th.

Veterans & Human Services Director Michael Holzhauser updated the board on the number of phone calls the office has made and received, and the number of in-person meetings. Holzhauser said the veteran's side has been fairly quiet, while the welfare side has been picking up. Holzhauser said the pool is getting smaller, so they are seeing more requests for help with utility expenses.

Highway Superintendent Richard Birk said Bowe's Construction has finished paving on Highway 25 north to Highway 30. Birk said he and his department are in the process of reestablishing the approaches and intersections, along with doing some shoulder work. Birk said they will be starting the Highway 77 project going north and starting on Highway 24, where a box culvert will be replaced. Birk said the airport project has been delayed because of a weather concern.

Birk said he wanted to clarify the concerns on the placement of signs in the intersection of 213th Street and 475th Avenue. Birk said a MUTCD manual is issued to all Highway Departments. He said it is used as a

guideline to keep continuity and conformity throughout the United States. Birk provided background information on highway statutes.

Birk said the county is currently paying Civil Design Inc. \$113,000 to design a road project, and in his opinion, the ideas CDI comes up with, the county should accept their thought process and adopt their recommendations. Birk asked the commissioners where they would like to see the stop signs placed.

SCHEDULED AGENDA ITEM

As scheduled at 9:00 a.m., the board held a public hearing on the Transfer of a Retail On/Off Sale Malt Beverage license and a Retail On Sale Liquor license from Cubby's at ABR, Inc. to Norgaard and Norgaard, LLC.

Chairperson Yseth opened the public hearing and called for proponents and opponents. Hearing none, Chairperson Yseth closed the public hearing.

Motion by Miller, seconded by Krogman to approve and authorize Chairperson Yseth to sign the Transfer of a Retail On/Off Sale Malt Beverage license and a Retail On Sale Liquor license from Cubby's at ABR, Inc. to Norgaard and Norgaard, LLC.

Roll call vote: Krogman "aye," Miller "aye," Jensen "aye," Pierce "aye," Yseth "aye." Motion carried.

As scheduled at 9:05 a.m., the board held a public hearing and second reading of Ordinance 2015-01: an Ordinance Establishing the Requirements, Fees and Regulations for the Issuance of Alcoholic Beverage Licenses within Brookings County.

Chairperson Yseth opened the public hearing and called for proponents and opponents. Hearing none, Chairperson Yseth closed the public hearing.

Motion by Pierce, seconded by Jensen to approve and authorize Chairperson Yseth to sign Ordinance 2015-01: an Ordinance Establishing the Requirements, Fees and Regulations for the Issuance of Alcoholic Beverage Licenses within Brookings County.

Roll call vote: Miller "aye," Jensen "aye," Pierce "aye," Krogman "aye," Yseth "aye." Motion carried.

BROOKINGS COUNTY ORDINANCE 2015-01

AN ORDINANCE ESTABLISHING THE REQUIREMENTS, FEES, AND REGULATIONS FOR THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES WITHIN BROOKINGS COUNTY.

BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA:

WHEREAS, the Brookings County Board of County Commissioners (hereinafter "Board") believes that alcoholic beverage licenses are a privilege and not a right, and the County reserves the right to refuse the approval, renewal, or transfer of any license in the event an applicant refuses to comply with the requirements of this Ordinance or other applicable local, state, or federal laws; and

WHEREAS, Brookings County issues multiple types of alcoholic beverage licenses, as those terms are defined by SDCL 35-1-1, and that it would be to the benefit of the County to specify by Ordinance the requirements, fees, and regulations for certain alcoholic beverage licenses; and

THEREFORE, BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA, that the requirements, fees, and regulations for the issuance of certain alcoholic beverage licenses within the County be adopted as follows:

SECTION A. ON-SALE LIQUOR LICENSE.

I. Availability and Notice of New License

- 1. By February 1 of each year, the Brookings County Finance Office (hereinafter "Finance Office") shall determine the number of on-sale liquor licenses available for the ensuing calendar year and report the same to the Board.
- 2. The number of on-sale liquor licenses available shall be based upon the population of Brookings County as set forth in South Dakota Codified Law.
- 3. If an additional on-sale liquor license becomes available in Brookings County, a notice will be published in the legal newspapers of the County for at least two (2) consecutive weeks, stating that the Board will be accepting applications for the new license, and setting a deadline for applications to be submitted.
- 4. After the deadline has passed, all applications submitted to the Finance Office shall be submitted to the Board for consideration.

II. Application Process

- 1. The application for an on-sale liquor license, or the transfer of an existing license, intending to operate outside the corporate limits of a municipality within Brookings County, shall be submitted to the Board for approval pursuant to SDCL 35-2-1.2.
- 2. The application shall be accompanied by the required fee.
- 3. Applicants shall provide appropriate proof, as required by the Board, that the premises to which the license is being issued or transferred has or shall have (within the time period stated below) a sufficient structure in which to conduct the operation of an on-sale liquor business.
- 4. Such proof may include, but is not necessarily limited to, pictures (inside and outside) of any existing structures, and plans and specifications of proposed structures along with proof of ownership or a valid lease of the premises.
- 5. Under no circumstance will an alcoholic beverage license of any kind be approved or transferred to any premises upon which a zoning ordinance violation has been identified until such time as the premises is brought into full compliance with all applicable provisions of the Brookings County Zoning Ordinance.
- 6. An on-sale liquor license shall not be issued or transferred to any premises or parcel of land where there is not an approved structure located. Conditional approval may be given to an applicant and the license will be held by the County for up to one year to allow for the construction of an approved structure. The license will then be issued to the applicant upon the completion of such structure. Conditional approval may also be granted if the applicant needs additional time to rezone the premises for compliance with county zoning requirements. If the license has not been issued within one year due to the applicant failing to comply with this Ordinance, the county may, upon request of the applicant, extend the conditional approval for up to six (6) additional months if it finds that the delay is not the fault of the applicant. Under no circumstance shall a license be held on conditional approval in excess of eighteen (18) months.
- 7. An application for the transfer of an existing license to a new location or to another person shall comply with the requirements of SDCL 35-2-7.

III. Approval Process

- 1. The Board shall fix the time and place for hearing upon all such applications that come before the Board.
- 2. The Finance Officer shall publish notice once in the legal newspapers of the County after a hearing date has been set. The notice shall be headed "Notice of Hearing Upon Applications for Sale of Alcoholic Beverages." The notice shall state the time and place when and where such applications will be considered by the Board, and shall state that any person interested in the approval or

- rejection of any such application may appear and be heard. The notice shall be published at least one (1) week before the hearing, pursuant to SDCL 35-2-5.
- 3. At the time and place stated in the notice, the Board shall consider each application and any objection to the application before making its final decision on the application.
- 4. The Board may approve or disapprove the application for an on-sale liquor license, or the transfer of an existing license, depending on whether the Board deems the applicant a suitable person to hold the license and whether the Board considers the proposed location suitable, pursuant to SDCL 35-2-1.2.
- 5. License application fees will not be refunded once the license is approved by the Board and issued by the State.
- 6. If the Board does not approve an application, it shall endorse on the application the reasons for the denial and return the application and fee to the applicant. No further application may be received from the applicant until after the expiration of one (1) year from the date of a denied application. However, if the application was denied based on the suitability of the location for the license, no further application may be received from the applicant until after the expiration of three (3) months from the date of the denied application only if the application is for a different location, pursuant to SDCL 35-2-5.1.

IV. Renewal Process

- 1. Applicants for the renewal of an on-sale liquor license shall follow the same application process as set forth above.
- 2. An application for the reissuance of an on-sale liquor license may be approved by the Board without a hearing unless in the past year the licensee or one or more of the licensee's employees have been subjected to a criminal penalty for violation of the alcoholic beverage control law or the license has been suspended, pursuant to SDCL 35-2-1.2.
- 3. The Board may not reissue any on-sale liquor license issued pursuant to subdivision 35-4-2(4), (6), or (13) to the same licensee or the licensee's transferee if the license has not been actively used by the applicant during the two years preceding the date of the current application, pursuant to SDCL 35-2-5.3.
- 4. The term, actively used, as defined in SDCL 35-2-5.3, means that the licensed premise was open to the public during regular business hours for the sale and consumption of distilled spirits for at least sixty days during the two preceding years. However, the licensed premise is only required to be open five days per year if it is open to the public during a special event that has at least twenty-five thousand visitors.
- 5. No license granted under this title may be reissued until all taxes incurred by the licensee as a result of the operation of the licensed premises, including municipal and state sales and use taxes, unemployment insurance tax, or any other state tax, are paid or are not delinquent. No license granted under this title may be reissued until all property taxes which are the liability of the licensee levied on the licensed premises are paid or are not delinquent. No license granted under this title may be reissued to an Indian tribe operating in Indian country controlled by the Indian tribe or to an enrolled tribal member operating in Indian country controlled by the enrolled tribal member's tribe until the Indian tribe or enrolled tribal member remits to the Department of Revenue all use tax incurred by nonmembers as a result of the operation of the licensed premises, and any other state tax has been remitted or is not delinquent.

SECTION B. OTHER ALCOHOLIC BEVERAGE LICENSES.

Applicants for any other alcoholic beverage license, excluding on-sale liquor licenses, issued by the County shall follow the requirements as set forth above, unless otherwise specified by South Dakota Codified Law or the South Dakota Department of Revenue.

SECTION C. PROVISIONS PERTAINING TO ALL LICENSES.

All alcoholic beverage licenses issued by Brookings County shall be subject to the following provisions:

I. Special Event Licenses

- 1. Applications for special events licenses shall only be received by civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16)
- 2. No fee is required with the application for a special events license.
- 3. Any license issued pursuant to SDCL 35-4-124 shall be issued for a period of time established within the sole discretion of the Board, not to exceed fifteen (15) consecutive days.
- 4. No person or organization may be issued a permit pursuant to SDCL 35-4-124 more than three times in any one calendar year.
- 5. No public hearing is required for the issuance of a license pursuant to this section if the person applying for the license holds an on-sale alcoholic beverage license or a retail malt beverage license in the municipality or county or holds an operating agreement for a municipal on-sale alcoholic beverage license, and the license is to be used in a publicly-owned facility.
- 6. The licensee must comply with all applicable state laws concerning the consumption of alcoholic beverages as set forth in SDCL Ch. 35-4.
- 7. Special events licenses may be issued for different alcoholic beverage licenses as specified in SDCL 35-4-124.

II. Time for Selling or Serving

- 1. No on-sale licensee, licensed under SDCL 35-4-2, may sell, serve or allow to be consumed on the premises covered by the license, alcoholic beverages between the hours of two a.m. and seven a.m. or at any time on Christmas Day, pursuant to SDCL 35-4-2.1, except for holders of on/off sale malt beverage licenses and on/off sale wine licenses which shall be permitted to sell, serve and allow consumption on the premises covered by the license on Christmas Day.
- 2. The sale, service, and consumption of alcoholic beverages shall be permitted on Sundays and Memorial Day, except between the hours of two a.m. and seven a.m., pursuant to SDCL 35-4-81.
- 3. A violation of this section is a Class 2 misdemeanor, punishable by up to thirty (30) days imprisonment in the county jail or a five hundred dollar (\$500.00) fine, or both.

III. Consumption on County Property

- 1. The consumption of alcoholic beverages upon property owned, leased or rented by Brookings County shall be prohibited unless authorized by this Ordinance.
- 2. Nothing in this Ordinance impacts the right to consume alcoholic beverages under such conditions and at such locations as is authorized by Agreement #12-61 between Brookings County, South Dakota, and the Swiftel Center.
- 3. Persons who wish to dispense alcoholic beverages upon county property must submit an application to the Board, who shall thereafter advise the applicant of the applicable restrictions, locations or activities permitted for the possession, sale or consumption of alcoholic beverages applicable to such location and/or function. The applicant is thereafter required to post written notice of such restriction in a conspicuous manner, at each location where alcoholic beverages are dispensed.
- 4. Applications to dispense alcoholic beverages in locations under the joint control of the City of Brookings and Brookings County will be reviewed and approved by the Joint Powers Board.

5. A violation of this section is a Class 2 misdemeanor, punishable by up to thirty (30) days imprisonment in the county jail or a five hundred dollar (\$500.00) fine, or both.

SECTION H. MISCELLANEOUS.

This Ordinance shall replace any and all prior ordinances or resolutions adopted by the Brookings County Board of County Commissioners regarding the regulations, requirements, or distribution of alcoholic beverage licenses within the County, except Resolution #15-04 establishing the current number of on-sale liquor licenses available for calendar year 2016.

Any provision regarding the requirements, fees, regulation, or distribution of alcoholic beverage licenses not addressed within this Ordinance shall be followed pursuant to South Dakota Codified Law.

Adopted this 19th day of May, 2015.

BROOKINGS COUNTY:

ATTEST:

Tom Yseth
Chairperson
Brookings County Commission

Vicki Buseth

Brookings County Finance Officer

First Reading: May 5, 2015

Second Reading: May 19, 2015

Adopted: May 19, 2015

Publications: May 28, 2015

Effective Date: June 17, 2015

Department Head Reports Continued

Highway Superintendent Richard Birk asked commissioners where they the stop signs should be located. Miller asked Birk if he has spoken with CDI regarding the location of stop signs. Birk said he has spoken with them and the plans have been sent to the Department of Transportation for approval. Krogman asked if CDI also uses the manual. Birk said they do. Deputy States Attorney Abigail Howard said if the county is going to follow past practice, the proper step would be to create an ordinance that establishes the location of the stop signs. Jensen said state statute gives Birk the authority to make the decision. By consensus, the board decided to allow Birk to move the temporary signs and place them where they are going to go on 475th Avenue, making 213th Street the through street.

SCHEDULED AGENDA ITEM

As scheduled at 9:30 a.m., the board held a public hearing and second reading of Ordinance 2015-02: an Ordinance Establishing a 45 Mile Per Hour Speed Limit Upon a Portion of County Road 23.

Chairperson Yseth opened the public hearing and called for proponents and opponents. Hearing none, Chairperson Yseth closed the public hearing. Motion by Jensen, seconded by Krogman to approve and authorize Chairperson Yseth to sign Ordinance 2015-02: an Ordinance Establishing a 45 Mile Per Hour Speed Limit Upon a Portion of County Road 23.

Roll call vote: Jensen "aye," Pierce "aye," Krogman "aye," Miller "aye," Yseth "aye." Motion carried.

BROOKINGS COUNTY ORDINANCE NO. 2015-02

AN ORDINANCE ESTABLISHING A 45 MILE PER HOUR SPEED LIMIT UPON A PORTION OF COUNTY ROAD 23

BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA:

WHEREAS, pursuant to SDCL 32-25-9.1, the Board of County Commissioners may determine and establish speed zones upon all or any part of the highways under its jurisdiction; and

WHEREAS, the Board of County Commissioners has received a request from the City of Aurora to reduce the speed on a portion of Brookings County Road 23 due to the heavy volume of truck traffic coming into the City and to promote the safety of the citizens, and that the Board of County Commissioners has determined it would be in the general welfare, benefit, and safety of our citizens to do so.

THEREFORE, BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA, that a speed limit of 45 miles per hour be and the same is hereby established on that portion of Brookings County Road 23 commencing 0.75 miles south of the city limits of the City of Aurora, and continuing up to the city limits of the City of Aurora, in Brookings County, South Dakota.

Adopted this 19th day of May, 2015.

BROOKINGS COUNTY:

<u>Tom Yseth</u> Chairperson, Brookings County Board of County Commissioners

ATTEST:

Vicki Buseth

Brookings County Finance Officer

First Reading: May 5, 2015

Second Reading: May 19, 2015

Adopted: May 19, 2015

Publications: May 28, 2015

Effective Date: June 17, 2015

Department Head Reports Continued

Sheriff Marty Stanwick said the last couple of weeks have been extremely busy for the jail. Stanwick said he had to bring in extra help. Stanwick said there are 37 inmates in jail and the majority of them felony inmates. Stanwick also said he and his staff have had to deal with chemical dependency holds because they are court ordered to do so. Stanwick explained to commissioners the process of holding those individuals.

Pierce asked Stanwick how they are handling the individuals who are medically withdrawing. Stanwick said they have a nurse on hand and, if necessary, they will transport them to the Brookings Health System. Stanwick said with chemical dependency holds, extra help is needed because those individuals can be high maintenance.

Pierce suggested when considering contributing a significant amount of money for the hospital expansion, a detox room should be requested for those individuals. Stanwick said he agrees. Krogman said he is concerned with the liability the detention center holds for those individuals. Stanwick said he also agrees. Krogman asked Stanwick what his wish list would be. Stanwick said he would like the hospital to provide a safe room for those individuals. Deputy State's Attorney Abigail Howard said Foundation Development Officer Barb Anderson may be the person to speak with on the issue. Krogman said a Hospital Board meeting is coming up and he would be willing to bring it up. Jensen asked Stanwick if the detention center was the only holding facility in Brookings County. Stanwick said his detention center is the only holding facility, which puts a lot of exposure on the county. Miller suggested they tread softly because there are no guarantees the county would be handing out one million dollars.

SCHEDULE AGENDA ITEM

As scheduled at 10:00 a.m., Vice President of Project Development Rick Eggebrecht and Vice President of Finance Keith Bruinsma with Novita Nutrition updated the board on the 213th Street reconstruction project. Eggebrecht told commissioners the project is on schedule.

Yseth asked about the rail and loan issues. Bruinsma said they have been approved for the rail authority loan through the county, however, there are no state level funds available at this time. Bruinsma said they are in the process of getting those funds from the governor's office. Jensen asked if they are moving forward with the bidding on the loop. Bruinsma said they are not at that point yet. Krogman asked how the project would be affected if the loan was not approved. Bruinsma said the design would change from what was originally planned, but as the funds came available, they would start adding in infrastructures.

Civil Engineer Nathan Lund with Civil Design Inc. said he is also working on the 213th Street Project. Krogman asked if the designs have been approved by the DOT. Lund said they have questions on two of the pipes, but said he anticipates an approval letter.

Yseth asked Lund about the bidding document regarding the asphalt. Lund said the way the document has been written is that they can pave in 2015, but the contractor can choose to wait until 2016. Lund said if the contractor waits until 2016, they would have to maintain the roadway and maintain dust control. Lund said the asphalt and striping would then have to be completed by June 1, 2016. Miller said the bid will be high if they have to maintain the road all winter. Krogman asked Lund why they would have to maintain it all winter. Lund said it is because they own the project and until the county take it over, it remains their responsibility. Krogman asked about having a separate bid; one for the road and one for the asphalt. Lund said it would be more expensive for the county to do it that way.

Highway Superintendent Richard Birk said he believes the project would encourage bidders because they would have the option to do the project in two phases rather than one.

Motion by Miller, seconded by Krogman to authorize the advertisement for bids and approve the bid letting schedule for the 213th Street Project contingent upon receiving the acceptance letter from the Department of Transportation.

Roll call vote: Pierce "aye," Krogman "aye," Miller "aye," Jensen "aye," Yseth "aye." Motion carried.

Department Head Reports Continue

Finance Officer Vicki Buseth told commissioners the office's existing credit card machines stopped working so she ordered new machines. She said IT Support Specialist Shawn Plowman worked with the credit card company and they came out with a new credit card machine that will read the chip on the credit card. As of November 2015, Buseth said all credit card machines will read the card that way.

Buseth said she and Deputy Finance Officer Kristen Witchey attended the Spring Conference in Pierre last week and heard a lot on SB 1. Buseth said they are talking about adding boats to the 4% excise tax increase.

Finance Office Report

Buseth presented the Finance Office report for April 2015.

Be it noted, the Auditor's Account with Treasurer was presented to the board.

April 2015

Total amount of deposits in bank	\$32,206,234.10
Total amount of actual cash: Currency	\$8,337.00
Coins	\$6.35
Total amount of checks/drafts in Treasurer's possession not exceeding	g 3 days\$2,071,348.34
Itemized list of all other items.	\$6,532.57
TOTAL	\$34,292,458.36

Be it noted, the Payroll & Additive Totals for April 2015 were presented to the board. Commission/HR: \$15,304.13; Technology: \$5,494.99; Finance Office: \$19,033.62; States Attorney: \$20,767.12; Equalization: \$17,195.43; Register of Deeds: \$7,653.29; Veterans/Welfare: \$5,989.00; Sheriff's Office: \$72,551.63; Coroner: \$243.14; Community Health: \$2,384.55; Extension: \$2,239.82; Weed: \$2,539.11; Planning/Zoning: \$2,894.77; Highway: \$46,728.00; Emergency Management: \$3,499.33; WIC: \$1,238.48.

AFLAC: \$2,959.78; Avesis: \$1,196.23; Office of Child Support: \$400.00; Delta Dental: \$4,225.66; Flex One: \$1,982.98; Fort Dearborn Life Insurance: \$1,292.65; Garnishments: \$848.83; Local Teamsters: \$1,210.00; SDRS: \$38,560.89; SDRS Supplemental: \$1,635.00; EFTPS: \$77,579.94; Wellmark: \$82,831.51; AFLAC Group/CAIC Primary: \$592.78.

Be it noted, the expenditure adjustments for the month of April 2015 were presented to the board. \$6,750.17 was transferred to allocate highway department expenditures to other county departments for work performed and supplies furnished by the highway department.

Be it noted, the Register of Deeds Statement of Fees Collected for the month of April 2015 in the amount of \$25,251.00 was presented to the board.

Chairperson Yseth declared a 5 minute recess.

REGULAR BUSINESS

Motion by Miller, seconded by Krogman to approve the renewals for Retail On/Off Sale Malt Beverage and combination Retail On/Off Sale Malt Beverage and SD Farm Wine licenses to the following entities: Brookings Country Club, Inc. - Retail On/Off malt beverage; Smokin's Pub N Grub, LLC - Retail On/Off malt beverage; Meadow Creek Golf Club - Retail On/Off malt beverage; RJ's Gas Stop, LLC - Retail On/Off malt beverage; Skyview Junction, LLC - Retail On/Off malt beverage and SD Farm Wine. Motion carried.

Motion by Krogman, seconded by Miller to approve and authorize Chairperson Yseth to sign Resolution #15-31: a Resolution to Rescind the Burn Ban Enacted on April 3, 2015.

County Development Director Robert Hill said the county's fire departments recommended rescinding the ban. Motion carried.

RESOLUTION #15-31 A RESOLUTION TO RESCIND THE BURN BAN ENACTED ON APRIL 3, 2015

WHEREAS, due to extreme drought conditions in Brookings County, the Brookings County Commission enacted a resolution declaring a fire danger emergency in Brookings County and prohibiting open burning as defined by Brookings County Ordinance #2009-02;

WHEREAS, the rural fire departments and law enforcement have observed that conditions in Brookings County have improved due to recent rainfall;

WHEREAS, Resolution #15-14 enacting the fire danger emergency remains in place until rescinded by the Brookings County Board of County Commissioners;

THEREFORE BE IT RESOLVED, that the Brookings County Commission rescinds the declaration of a fire danger emergency and open burning ban.

Passed and approved this 19th day of May, 2015.

Tom Yseth
Chairperson, Brookings County
Board of County Commissioners

ATTEST:

<u>Vicki Buseth</u> Finance Officer Brookings County

Motion by Pierce, seconded by Jensen to approve and authorize Chairperson Yseth to sign Agreement #15-51: a Service Agreement with Certified Languages International for interpreter services. Motion carried.

Motion by Jensen, seconded by Krogman to approve the appointment of Debra Ford to the 4-H Promotion & Expansion Committee. Motion carried.

Motion by Jensen, seconded by Miller to approve and authorize Chairperson Yseth to sign Resolution #15-32: a Resolution Authorizing the Purchase of Concrete Pipe and Concrete Bridge Material Based Upon the Price Established through the County of Spink, South Dakota bid process. Motion carried.

A RESOLUTION AUTHORIZING THE PURCHASE CONCRETE PIPE AND CONCRETE BRIDGE MATERIAL BASED UPON THE PRICE ESTABLISHED THROUGH THE COUNTY OF SPINK, SOUTH DAKOTA, BID PROCESS

WHEREAS, the Brookings County Highway Department will need CONCRETE PIPE AND CONCRETE BRIDGE MATERIALS; and

WHEREAS, the COUNTY OF SPINK, has recently gone through a competitive bidding process for bridge contractor, such bidding process culminating in the bids being opened on March 10, 2015;

WHEREAS, CRETEX CONCRETE PRODUCTS, INC, was the lowest responsible bidder under such COUNTY OF SPINK, SOUTH DAKOTA, bid process and, CRETEX CONCRETE PRODUCTS INC is willing to sell to BROOKINGS COUNTY under the same terms and options as available to the COUNTY OF SPINK, a copy of such bid specifications and bid having been filed at the Brookings County Finance Office; and

WHEREAS, pursuant to SDCL 5-18A-22, BROOKINGS COUNTY is authorized to purchase supplies or services from any active contract that has been awarded by any governmental entity by competitive sealed bids or competitive sealed proposals or from any contract that was competitively solicited and awarded within the previous twelve months;

NOW THEREFORE BE IT RESOLVED that the Brookings County Highway Department is hereby authorized and directed to contract for concrete pipe and concrete bridge material with CRETEX CONCRETE PRODUCTS INC. based upon the bid price, or less, as established through the competitive bidding process of the COUNTY OF SPINK, SOUTH DAKOTA, with the unit and specifications as follows:

Adopted this 19th day of May, 2015.

Tom Yseth
Chairperson, Brookings County
Board of County Commissioners

ATTEST:

Vicki Buseth

Brookings County Finance Officer

Motion by Krogman, seconded by Miller to declare metal cabinets as surplus and to be disposed of as scrap metal.

Pierce asked why the cabinets were not being sold on an auction. Commission Department Director Stacy Steffensen said the cabinets are in rough shape and the county wouldn't receive much money from them. Motion carried.

Motion by Krogman, seconded by Jensen to approve and authorize Chairperson Yseth to sign Agreement #15-52: a Right-of-Way Agreement with Sioux Valley Energy. Motion carried.

Motion by Krogman, seconded by Pierce to approve and authorize Chairperson Yseth to sign Agreement #15-53: a Right-of-Way Agreement with Sioux Valley Energy. Motion carried.

Motion by Miller, seconded by Krogman to approve and authorize Chairperson Yseth to sign Agreement #15-54: a Right-of-Way Agreement with Sioux Valley Energy. Motion carried.

Motion by Krogman, seconded by Miller to approve and authorize Chairperson Yseth to sign Agreement #15-55: a Right-of-Way Agreement with Xcel Energy. Motion carried.

Motion by Krogman, seconded by Pierce to approve and authorize Chairperson Yseth to sign Agreement #15-56: a Right-of-Way Agreement with Xcel Energy. Motion carried.

Motion by Jensen, seconded by Krogman to approve and authorize Chairperson Yseth to sign Agreement #15-57: a Right-of-Way Agreement with East River Electric Power Coop., Inc. Motion carried.

Motion by Krogman, seconded by Pierce to approve and authorize Chairperson Yseth to sign Agreement #15-58: a Right-of-Way Agreement with East River Electric Power Coop., Inc. Motion carried.

Motion by Miller, seconded by Jensen to approve and authorize Chairperson Yseth to sign Agreement #15-59: a Right-of-Way Agreement with East River Electric Power Coop., Inc. Motion carried.

Motion by Krogman, seconded by Miller to approve and authorize Chairperson Yseth to sign Agreement #15-60: a Right-of-Way Agreement with East River Electric Power Coop., Inc. Motion carried.

Commission Department Director Stacy Steffensen presented the Commission Department Director Report. Steffensen attended the Chamber's Leadercast event and said it was a really good event. Steffensen said she received another anonymous letter. She asked the board how she should handle anonymous letters in the future. Miller said the board needs to see all of the letters, but believes the board does not need to speak to them. Pierce said she agrees and suggested the letters not be included in the commission's packets, nor on the website because they are not signed. Miller noted that the board never gives out names when receiving phone calls.

Steffensen said she and Deputy Finance Officer Kristen Witchey are working on a letter to send to the SDSU Student's Association President regarding the vote centers. She said they will have the letter ready for approval at the June 2nd meeting. Steffensen said she has spoken with Todd Kays with First District about hiring a hydrologist to help draft the drainage ordinance. Steffensen informed commissioners that the resolutions for 2014 and YTD 2015 have been posted on the website, along with the ordinances. Steffensen also noted upcoming dates, which include a Sioux Valley Commissioners Association Meeting, the Budget Hearings, and a possible Budget Review Day.

Deputy States Attorney Abigail Howard said she is still working with L.G. Everist on the easement agreements. Howard said she and States Attorney Clyde Calhoon attended the SD States Attorney's Association Annual Conference in Deadwood last week. Howard said she was elected to the Board of Directors for the SD Attorney's Association, which involves some traveling. Howard said she also won a sponsored trip to do a National District Attorney Association Training.

COMMISSIONERS' REPORTS & DISCUSSION

Commissioner Pierce attended a Planning & Zoning Commission Meeting; attended a hearing regarding the Lake Hendricks appeal; toured the BATA offices and the Highway Department complex; met with the City of Volga officials regarding Highway 5; attended the Chamber Women in Leadership & Learning luncheon at the Swiftel Center; and spoke with 4-H Youth Advisor Sonia Mack regarding the maintenance issues at the Swiftel Center.

Miller asked if the county had a maintenance agreement with Swiftel. Commission Department Director Stacy Steffensen said she thought Swiftel was supposed to be taking care of all maintenance issues, but suggested the agreement be revisited.

Pierce also reported on the Computer Fraud Prevention Luncheon that was held at First Bank & Trust. Steffensen said IT Support Specialist Shawn Plowman would like to discuss IT issues and he could also address the county's IT security as well.

Commissioner Jensen also toured the BATA offices; met with the City of Volga officials regarding Highway 5; spoke with Matt Johnson about the postal issue occurring on the minimum maintenance roads; attended the 8-County meeting; and stopped at the 4-H weigh-ins.

Commission Miller attended the work session following the May 5th Commission Meeting; attended the Weed Board Meeting; met with the City of Volga officials regarding Highway 5; and attended the 8-County meeting. Miller said she has received numerous phone calls regarding hospital funding, both positive and negative.

Commissioner Krogman had no reports at this time.

Commissioner Yseth reported on the Pandemic Preparedness Coordination Committee meeting. Yseth said he visited with SD 4-H Foundation Executive Director Nancy Swanson and she would like to address a proposal for the Outdoor Adventure Center.

When making phone calls from the county building, Yseth said the public's caller id reads "unknown." Yseth asked why the county uses "unknown." County Development Director Robert Hill said Swiftel Communications put the phone system in that way. Yseth suggested that Steffensen look in to changing that. Yseth also thanked Steffensen for sending out the county work plan.

EXECUTIVE SESSION

Motion by Krogman, seconded by Miller to enter into Executive Session at 11:30 a.m. in accordance with SDCL 1-25-2 (3), consulting with legal counsel. Motion carried. The board came out of Executive Session at 11:59 a.m. No action was taken.

WORK SESSION

The board discussed road and bridge issues.

ADJOURNMENT

Motion by Pierce, seconded by Krogman to adjourn. Motion carried. The next regularly scheduled meeting is Tuesday, June 2, 2015 at 8:30 a.m.

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Jenna Peterson	
Finance Assistant II	
Brookings County	

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